IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 10190 of 2007(K)

PETITIONER:

HAMSA. S/O SYETHUTTY
CHOLAMUGATH VEEDU
AMMINIKADU, PERINTHALMANNA

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS:
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1. **THE KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD MALAPPURAM**

2. **DEPUTY TAHSILDAR REVENUE RECOVERY THALUK OFFICE, PERINTHALMANNA**

BY ADV.SRI.P.RAMAKRISHNAN, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007. THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 10190 OF 2007

DATED THIS THE 23rd DAY OF MARCH, 2007

JUDGMENT

The petitioner is a defaulter in payment of contributions under the Kerala Motor Workers Welfare Fund Scheme. Coercive recovery proceedings have been initiated by Exts.P1 and P2 against the petitioner. Although the petitioner challenges these notices on the ground that he has not received any demand notice prior to the same, the petitioner submits that he is prepared to pay off the amounts, if the petitioner is allowed to pay the same in easy instalments.

2. I have heard the learned counsel for the petitioner and Sri. P. Ramakrishnan, the learned counsel appearing for the 1st respondent.

In the facts and circumstances of the case, I am inclined to show some indulgence to the petitioner in the matter of payment of the amount now under demand in instalments. Therefore I direct the 1st respondent to permit the petitioner to pay off the amounts in eight equal monthly instalments starting from 1.4.07. Subsequent instalments shall be paid on the 1st day of every succeeding month. If the petitioner pays the instalments in time, further proceedings pursuant to the impugned orders shall be kept in abeyance. However, if the petitioner commits default in payment of any one instalment, it

would be open to the 1st respondent to continue proceedings now initiated for recovery without having to issue any fresh notice or proceedings in that regard.

S. SIRI JAGAN, JUDGE

Acd